

is classified principally to chapter 113 (§8701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsecs. (a)(5)(B)(ii) and (e), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

The Food Security Act of 1985, referred to in subsecs. (a)(5)(B)(iii)–(v) and (c)(3)(B)(ii), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subtitles B and C of title XII of the Act are classified generally to subchapters II (§3811 et seq.) and III (§3821 et seq.), respectively, of chapter 58 of Title 16, Conservation. Subchapters B and C of chapter 1 of subtitle D of title XII of the Act are classified generally to subparts B (§3831 et seq.) and C (§3837 et seq.), respectively, of part I of subchapter IV of chapter 58 of Title 16. Subchapter D of chapter 2 of subtitle D of title XII of the Act is classified generally to subpart D (§3838n et seq.) of part II of subchapter IV of chapter 58 of Title 16. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 9011 of Pub. L. 107-171 was classified to section 8109 of this title, prior to the general amendment of this chapter by Pub. L. 110-246.

§ 8112. Forest biomass for energy

(a) In general

The Secretary, acting through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

(b) Eligible entities

Entities eligible to compete under the program under this section include—

- (1) the Forest Service (acting through Research and Development);
- (2) other Federal agencies;
- (3) State and local governments;
- (4) Indian tribes;
- (5) land-grant colleges and universities; and
- (6) private entities.

(c) Priority for project selection

In carrying out this section, the Secretary shall give priority to projects that—

- (1) develop technology and techniques to use low-value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;
- (2) develop processes that integrate production of energy from forest biomass into bio-refineries or other existing manufacturing streams;
- (3) develop new transportation fuels from forest biomass; and
- (4) improve the growth and yield of trees intended for renewable energy production.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 107-171, title IX, §9012, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat.

1331, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2093.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 8113. Community wood energy program

(a) Definitions

In this section:

(1) Community wood energy plan

The term “community wood energy plan” means an assessment of—

- (A) available feedstocks necessary to supply a community wood energy system; and
- (B) the long-term feasibility of supplying and operating a community wood energy system.

(2) Community wood energy system

(A) In general

The term “community wood energy system” means an energy system that—

- (i) primarily services public facilities owned or operated by State or local governments, including schools, town halls, libraries, and other public buildings; and
- (ii) uses woody biomass as the primary fuel.

(B) Inclusions

The term “community wood energy system” includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

(b) Grant program

(1) In general

The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the “Community Wood Energy Program” to provide—

- (A) grants of up to \$50,000 to State and local governments (or designees) to develop community wood energy plans; and
- (B) competitive grants to State and local governments to acquire or upgrade community wood energy systems.

(2) Considerations

In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

- (A) the energy efficiency of the proposed system;
- (B) the cost effectiveness of the proposed system; and
- (C) other conservation and environmental criteria that the Secretary considers appropriate.

(3) Use of plan

A State or local government applying to receive a competitive grant described in paragraph (1)(B) shall submit to the Secretary as part of the grant application the applicable community wood energy plan.

(c) Limitation

A community wood energy system acquired with grant funds provided under subsection (b)(1)(B) shall not exceed an output of—

- (1) 50,000,000 Btu per hour for heating; and
- (2) 2 megawatts for electric power production.

(d) Matching funds

A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the development of the community wood energy plan, or acquisition of the community wood energy systems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 107-171, title IX, §9013, as added Pub. L. 110-234, title IX, §9001(a), May 22, 2008, 122 Stat. 1332, and Pub. L. 110-246, §4(a), title IX, §9001(a), June 18, 2008, 122 Stat. 1664, 2094.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 8114. Sun grant program

(a) Establishment

The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

- (1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;
- (2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;
- (3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and
- (4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—
 - (A) the Department of Agriculture;
 - (B) the Department of Energy; and
 - (C) land-grant colleges and universities.

(b) Grants

(1) In general

The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) North-central center

A north-central sun grant center at South Dakota State University for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(B) Southeastern center

A southeastern sun grant center at the University of Tennessee at Knoxville for the region composed of—

- (i) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Caro-

lina, South Carolina, Tennessee, and Virginia;

(ii) the Commonwealth of Puerto Rico; and

(iii) the United States Virgin Islands.

(C) South-central center

A south-central sun grant center at Oklahoma State University for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) Western center

A western sun grant center at Oregon State University for the region composed of—

(i) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

(ii) insular areas (as defined in section 3103 of this title (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B))).

(E) Northeastern center

A northeastern sun grant center at Cornell University for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) Western insular Pacific subcenter

A western insular Pacific sun grant subcenter at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) Manner of distribution

(A) Centers

In providing any funds made available under subsection (g), the Secretary shall distribute the grants in equal amounts to the sun grant centers described in subparagraphs (A) through (E) of paragraph (1).

(B) Subcenter

The sun grant center described in paragraph (1)(D) shall allocate a portion of the funds received under paragraph (1) to the subcenter described in paragraph (1)(F) pursuant to guidance issued by the Secretary.

(3) Failure to comply with requirements

If the Secretary finds on the basis of a review of the annual report required under subsection (f) or on the basis of an audit of a sun grant center or subcenter conducted by the Secretary that the center or subcenter has not complied with the requirements of this section, the sun grant center or subcenter shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(c) Use of funds

(1) Competitive grants

(A) In general

A sun grant center or subcenter shall use 75 percent of the funds described in sub-